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REMARKS
ON THE
OCCURRENCES

OF THE

Years 1720 and 1721 ;

Relating to the

EXECUTION
OF THE
South-Sea SCHEME.



*South Sea
Hon. Company
of Merchants
to B.*

L O N D O N :

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PREFACE.

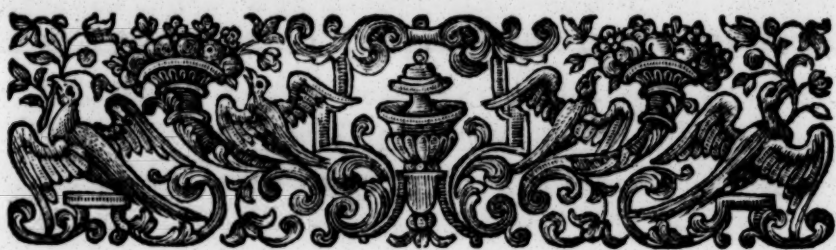
 *ITTING the Case of the late South-Sea Directors, as believing them to be Innocent ; at least being fully persuaded, that most of them were free from any unfair Practices, and acted honestly in the Execution of the Scheme ; as they had done before, and have done since, in all their Dealings ; I publish'd, some Years ago, Remarks upon the Occurrences of the Years 1720 and 1721, relating to the Execution of the South-Sea Scheme, to shew that those unfortunate Gentlemen had some Reason to think they were not us'd like British Subjects ; who have a Right, when accus'd, to be heard in their own Defence, and ought not to be Punish'd, unless some Crime be prov'd upon them. The Prejudices against these unhappy Men running still high, when my Remarks came out, I cannot boast of any great*
Success

Success in my Endeavours for the Service I intended them ; but Length of Time having cool'd People's Minds, and brought them to a better Temper, I may now succeed better.

IN this new Edition, I have added some Instances of other Nations, who in their Anger, or through Mis-information, having pass'd hasty Sentences, and Condemn'd without a due Trial, and the Formalities requir'd by the Laws and Customs of their Country, did, when sensible of their Error, Reverse their Decrees, and Relieve those they had unwarily Oppress'd.



REMARKS



REMARKS
ON THE
OCCURRENCES
OF THE
Years 1720 and 1721, &c.



THE Treatment of the Gentlemen who were in the Direction of the *South-Sea* Company in the Year 1720, seems not agreeable to the many Laws made in Favour of the Subjects, and in particular of that famous, and so often quoted Part of *Magna Charta*, which says ; *That no Freeman shall be taken, or imprison'd, or disseiz'd of his Freehold or Liberties, or free Customs, or outlaw'd, or banish'd, or any way destroy'd.* Nor we will

B

pass

pass upon him, or commit him to Prison, unless by the legal Judgment of his Peers, or by the Law of the Land. That is, says Dr. Brady, by legal Process. And the many subsequent Laws made in Affirmance thereof, some of which shall be here mentioned ; as *Edward III. Cap. IX.* whereby it is enacted ; *That no Man from henceforth shall be attached by any Accusation, nor forejudg'd of Life or Liberty: Nor his Lands, Tenements, Goods or Chattels seiz'd against the Form of the Great Charter, and Law of the Land.* Likewise 28 of *Edward III. Cap. III.* *That no Man of what Estate or Condition that he may be, shall be put out of Land or Tenement, nor taken, nor imprison'd, nor disinherited, nor put to Death, without being brought in Answer by due Process of Law.* These are further strengthened and enforced by the famous Petition of Right, 3 *Car. I. Cap. I.* And by the Bill of Rights, 1 *Will. and Mary, Sess. 2. Cap. II.* which says ; *That excessive Bail ought not to be requir'd, nor excessive Fines imposed, nor cruel and unusual Punishments inflicted.* Burnet's History of his own Times, Page 49, says ; *The Earl of Strafford's Death cast a lasting Odium on that Way of Proceeding.* And Page 458, Year 1679, he has these Words. *All Lawyers had great Regard to fundamental Laws ; and it was a Maxim among our Lawyers, that even an Act of Parliament*
against

against Magna Charta *was null of itself.* And it was my Lord Chancellor *Nottingham's* Opinion ; That even the Lords in Parliament could not proceed upon an Impeachment, unless the Fact therein alledged was first declared by some Statute to be a Crime.

Nemo legibus Sapientior.

THE Penalties also inflicted on these Gentlemen have, in many Respects, been carried beyond what was ever known in this Kingdom for Crimes of any Kind whatsoever. They are subject to an Examination before the Barons upon Interrogatories under the Penalty of Life. They are obliged to deliver the Particulars of their Estates upon Oath; and to convey and release voluntarily all their Claim, Right and Title to their Estates Real and Personal with their own Hands to the Trustees ; and in Case of the least Concealment, they are made guilty of Felony. It is true that for Treason and Murder, the Criminals forfeit their Lives : But they are allow'd Council to plead for them, *and they are not condemned or punished unheard ; nor unless the Crime be proved upon them.*

THERE is one Thing very peculiar in the Act against the Directors, to which our Laws

are not only intire Strangers, but, in the Opinion of most Men, is repugnant thereto ; which is for Persons to be both Judges and Parties ; as the Trustees, in this Case, are. For since they are Interested in the Stock, and the Produce of the Directors Estates is given to the Company, they are Judges in their own Case. Which seems to be very opposite to the common receiv'd Notions of Justice and Equity. Yet by them have and must the just Claims upon the Directors Estates ; which amount to above One Million ; be Determin'd. And, which is without Example, *the Trustees have constantly refused to admit Council for the Claimants, even in the most nice and difficult Cases.*

OUR Laws have in them a Tendency to Lenity, rather than Severity ; which has occasion'd that celebrated Maxim ; That when Words are capable of a different, or doubtful Construction, they are always to be taken *in mitiori Sensu*, in the mildest Sense. But is it not evident that some of the Trustees are for executing the Laws against the unhappy Directors, *in saviori Sensu*, in the severest Sense ?

IT is well known, that the principal Difference between a free and arbitrary Government is this ; That by the former, the People are govern'd by known Laws and Rules ;
by

by the latter, merely by Will and Pleasure. The Advantage of the first, is ; That the Subjects know what is a Crime, and what Punishment they incur, if they are guilty of it ; whereby they may avoid both the one and the other. The Misery of the second is ; That those who govern, make Crimes and Punishments as their Passions prompt them ; whereby the Subjects have it not in their Power to avoid either Guilt or Punishment. Therefore the Laws against the Directors appear the more severe in themselves, and more dangerous in their Consequences, by way of Precedent, being made *ex post facto*. And these are the first Instances in a free State, wherein Crimes and Punishments have been both Enacted in one Law.

It were to be wish'd, that every Man who has Right and Property, wou'd well consider of the Consequences of the Precedent made by these Laws. Does it not lay a Foundation to destroy every Man's Liberty and Estate in a more compendious Manner, than any thing yet thought of in a free Government? May not each Party, as they get the Ascendant, by imitating this Precedent, take this short Way to disable their Antagonists?

THE *Habeas Corpus* Act was obtain'd with great Difficulty from the Crown, as a
Guard

Guard to the Liberty of the Subject, and has never been Suspended, but in Cases of open Rebellion, or imminent Appearances of it. *But what will this, or any other Law avail, if this Method be introduc'd, of making perpetual Imprisonment, and Death itself the Punishment of bare Omissions?* As is the Case in several Instances in the Laws here spoken of.

HAVING mention'd Laws *ex post facto*, it may not be amiss to quote a Part of a Speech made by King *James I.* to the House of Lords, *Anno 1621*; which he desir'd might be Enter'd into the Records of that House.

“ WE doubt there will be many Matters
 “ before you, some complain'd of out of
 “ Passion, and some out of just Cause of Grievance. Weigh both; and be not carried
 “ away by the impertinent Discourses of
 “ them, that name Innocent Men as well
 “ as Guilty. But let your Proceedings be
 “ according to Law; and remember that
 “ Laws have not their Eyes in their Necks,
 “ but in their Foreheads: for the moral Reason for the Punishment of Vices in all
 “ Kingdoms and Commonwealths, is, because of the Breach of Laws standing in
 “ Force: for none can be punish'd for Breach
 “ of Laws by Predestination, before they are
 “ made

“ made.” Which Speech is not only agreeable to the Law of Nature, according to *Grotius* and *Puffendorf*; but conformable to the Law of God; Epist. to the *Romans*, Cap. IV. Ver. 15. *For where no Law is, there is no Transgression.* And Cap. V. Ver. 13. *Sin is not imputed, where there is no Law.*

MAXIMS of eternal Truth are not to be varied occasionally. We may look back and see what Struggles our Ancestors had to lay a Foundation not easy to be shaken. Successive Wars abroad, and intestine Commotions at home, against foreign and domestick Encroachments, were so many Advances, at the Expence of so much Blood and Treasure, for the obtaining and perfecting those excellent Laws, by which the Liberty of our Persons, and the Enjoyment of our Estates are preserv'd; without being subject to Punishments or Penalties, but upon the most evident Proofs, and according to the known Laws of the Land.

IF Accusations amounted to Convictions, who wou'd be Innocent? *And it is a Maxim in all Laws, grounded upon natural Equity, that every Man is presum'd to be Innocent, 'till he is prov'd Guilty.*

THE Law of the Land is every *British* Subject's Birth-right, and the best Part of his
Inhe-

Inheritance ; because it is that, which secures to him all other Things that are valuable.

OUR Law determines the Nature of all Crimes, and fixes the Punishments. The manner of the Proof is likewise specify'd by the Law, and must be strictly adher'd to. *New Crimes are not to be Invented, nor new Methods of Evidence admitted.*

IN Bills of Attainder ; which is the highest Proceeding known in the Constitution of our Government ; if the Nature of the Offence be agreed, how nice are they always in the Nature of the Proof ? As was seen in the Trial of Sir *John Fenwick*. A Discourse which was publish'd soon after his Majesty's Accession to the Throne, sets that Method of Trial in a clear Light, and is supported and adorn'd with excellent Learning and extensive Reading upon the Subject. There it appears, that an Attainder is not the Exercise of a wild and boundless Power, but a Right to preserve Laws, and not to be us'd to gratify Passion or popular Rage.

Id solum possumus, quod jure possumus.

WE have been taught from the Pulpit, in an excellent * Sermon preach'd upon a

* Jan. 30, 1720.

most solemn Occasion before the House of Lords; " That by the Law of *England*,
 " the Innocent shall always know their own
 " Defence from Injuries; and even the most
 " Guilty know beforehand upon what their
 " Guilt should be founded, free from any
 " thing that looks like Violence. The
 " End of our Laws is to guard against the
 " worst of all worldly Evils, arbitrary
 " Power, in whatsoever Shapes or Degrees
 " it may pretend to shew itself. To pre-
 " serve Judgment and Justice from the In-
 " fluences of Passions and private Resent-
 " ments, and Punishment itself, in the Case
 " even of the meanest Subject, from becom-
 " ing Cruel."

PRECEDENTS are very prolifick, and great Caution has been us'd in all regular Times, against making new Precedents in capital Cases, or in Cases highly Penal. They strike but one, perhaps, or few; but, like Thunder, they alarm many.

Cum feriunt unum, non unum fulmina terrent.

How great have been the Complaints in former Reigns, against the Proceedings in the Star-Chamber, and the High-Commission Courts, for exorbitant Fines, and inflicting too rigorous Punishments? Which were always deem'd inconsistent with the Tenor of

our Laws ; that leave room to the Subject to make his Defence, and after Conviction frequently mitigate the Punishment.

CALUMNY and publick Reproach must, in many Cases, be submitted to, till the proper Time, which the Law allows every Subject for his Defence. If a Time had been appointed to the Directors for their Defence, then it wou'd have been duly consider'd, how each Man had acted, either in the Court of Directors, or their Committees ; the Powers that were given them by Acts of Parliament ; what Authority they had in their whole Body ; and how far they were oblig'd to submit to the Orders of their Superiors ; *and whether any of them had been guilty of fraudulent and indirect Practices in their private Capacities.* No one Step that was taken, whilst the Scheme was Executing, was thought Illegal.

MUST Loss of Estate be impos'd upon so many Innocent Men in the Lump, *to prevent others being call'd to an Account?* Justice is so far from knowing, that she abhors such Proceedings. Neither can any Crimes justify exorbitant Fines ; which are contrary to Common Law, to *Magna Charta*, and to a fundamental Constitution of the Government, as it was settled at the Revolution, and sworn to by every King and Queen, who has
since

(11)

since that Time fate upon the Throne. And yet it is said, that some of the Directors Forfeitures will appear to amount to very great Sums, one among the rest to near 200,000*l.* real and personal Estate, *none of which got by the Scheme.* For altho' some of them made considerable Additions to their Estates, the major Part were no Gainers, and several of them great Losers in the Year 1720. *Very few of them having sold so much Stock, as they bought, whilst it bore a high Price;* as appears by their Inventories, and the Quantity of Stock they deliver'd to the Trustees.

AND every Person now, who judges without Prejudice, is convinc'd; That the Court of Directors had no other Design, than faithfully and effectually to execute the Act of Parliament. And that altho' they may have committed some Errors of Judgment in other Matters, which were transacted in Compliance with the general Inclination of the People; yet they were not guilty of those Crimes, as were imagin'd against them. *And if the having got by the Scheme be thought a Trespass, surely those Directors who lost by it, did not deserve to have what they had left, taken from them.*

As Property was ever held sacred amongst us, there is no Instance in our Courts of Law or Equity, of any Persons having forfeited

his Real Estate for Breach of Trust ; which is the only Crime alledg'd against the Directors ; whose Children have a natural Right to their Fathers Estates, as having done nothing to incur a Penalty not agreeable to our Laws. The Breach of Trust laid to the Charge of the Directors was taken upon Supposition only, and not prov'd against them. If they had been suffer'd to make their Defence, and their Conduct had been regularly examin'd, they wou'd have clear'd themselves of so ill-grounded an Imputation.

THE same unaccountable Distemper that seiz'd upon our Minds here, afflicted likewise our Neighbours the *French* and the *Dutch*. In *Holland* their *West-India* Company had leave from the States to enlarge their Stock by taking Subscriptions ; which they did, and it rose from 80 to 600 *per Cent*. But the Fascinations was soon over, and their Stock came down again to the old Price. The Government there did not question the Directors, or think it just to make them answerable for an epidemical Distemper, of which they were no way the Cause.

IN *France* the Infatuation rag'd much longer, and with greater Violence. Their *Mississipi* Company took many Subscriptions at very high Rates, and their Stock advanc'd from 100 to 2000 *per Cent*. Such of the
Directors

Directors as were suspected of indirect Practices (*and no others*) were sent to the *Bastile*, and underwent a strict Examination, Judges being appointed to Try them one by one. Most of them were soon Releas'd and declar'd Innocent. Some few, who cou'd not justify their Conduct in their private Capacities, were fin'd to the Amount of what they had got ; *but had no Part of their own Estates taken from them.*

AND here, no other Punishment than taking their Gains, was inflicted upon some, who were said to be more guilty, than the most guilty of the Directors. If leaving their old Estates to those Gentlemen was just ; what Reason can be alledged for continuing so severe a Law upon the Directors, as deprives them, and their innocent Families, of almost all they were possess'd of, long before the *South-Sea* Scheme was thought of ?

WHEN all these Things are seriously consider'd, it cannot be denied, but that the CASE of our unhappy Directors, in the several Circumstances that have attended it, is not to be parallell'd ; for their Estates were taken from them in a manner, the bare Remembrance of which strikes Horror to any human Breast.

AND

AND as the Cry in the Year 1721, was not for having the Directors Estates taken from them, whether they were guilty, or not : But for having the Offenders, whether they were Directors, or others, compell'd to make Restitution; many are of Opinion, That if such of these Gentlemen, as were divested of their old Estates, had leave to offer what they have to say in their Justification, and clear'd themselves from any unfair Practices in the Execution of the Scheme ; it wou'd not displease the reasonable Part of Mankind, if the Laws against them were mitigated in such manner as is agreeable to the *English* Genius and Constitution.

As nothing is more frequent in the Histories of other Nations, as well as our own; than Sentences and Decrees pass'd in Anger, and without the usual Forms, repented of and revers'd ; it is hop'd, that some Instances of this kind will not be thought improper in this Place.

XENOPH. Hist. of GREECE.

AFTER the Sea-fight at *Arginusæ*, where the *Athenians* obtain'd a compleat Victory over the *Lacedemonians* and their Confederates, a violent Storm arose, which

which disabled twelve of the *Athenian* Ships, and put them in danger of being sunk. Upon this a Council of War being call'd, it was agreed to leave forty-seven Ships with *Theramenes* and *Thrasylulus*, to save the drowning Men, and with the rest of the Fleet to sail in quest of the Enemy. The Storm was so violent, that none of the Ships, and few of the Men were saved. And the Admirals having given to the Senate an Account of their Victory, and of the Result of the Council of War, soon after return'd to *Athens*. The Friends of *Theramenes*, and others who envy'd the Glory of the Admirals, accus'd them before the Senate of having neglected to save the Shipwreck'd Men, and they were order'd to be taken into Custody, and deliver'd to the People. Soon after the People being met, *Theramenes* his Friends put several Persons in Mourning, who appear'd before the Assembly, as the Relations of those that were drown'd; and *Callixenus* impeach'd the Admirals, and brought in a Bill against them. And when the Admirals Friends insisted, that they might plead according to Law, the Rabble oppos'd it, crying out, 'twas an unsufferable Thing to abridge the People of their absolute Power. However, *Eurypolemus*, a Kinsman of one of the Admirals, had leave to speak, and did it after this manner,

“ I am

“ I am come up, My Lords, partly to
 “ Accuse, partly to Defend my Friend
 “ *Diomedon*, and *Pericles* my Relation;
 “ partly also to offer what I conceive will
 “ be for the general Good of my Country.
 “ I blame them for persuading their Col-
 “ legues to write to the Senate and People;
 “ that they had order’d *Theramenes* and
 “ *Thrasylulus* with forty-seven Sail of
 “ Ships to take up the Shipwreck’d Men,
 “ who ne’er observ’d their Orders; whereby
 “ the Miscarriage of a few has involv’d all
 “ in a common Guilt; and they, for their
 “ Humanity, are brought in Danger of their
 “ Lives, by the secret Practices of these, and
 “ some others; which they need not appre-
 “ hend, provided you will do them Right
 “ and Justice, For thus you shall be well
 “ inform’d of the Truth, and have no Cause
 “ to repent of your Proceedings; nor find
 “ that you have committed the two grand
 “ Offences, both against the Gods, and your
 “ ownelves.

“ I offer such Things to your Considera-
 “ tion, wherein neither I, nor any else can
 “ impose upon you; and if you find them
 “ guilty, you may inflict what Punishment
 “ you please, either on them each severally;
 “ or on all jointly. Only allow them one
 “ Day, if not longer, to make their De-
 “ fence

“ fence in, that you may not give more
 “ Credit to others than yourselves. You,
 “ my Lords, know all, That *Canonus* his
 “ Law is very severe, which says ; The
 “ Prisoner for Treason against the State shall
 “ plead in Irons, and if convict thereof, he
 “ shall be put to Death, and flung into the
 “ *Barathrum*, his Estate shall be confisca-
 “ ted, and a tenth Part thereof shall be con-
 “ secrated to *Minerva*. I move that the
 “ Admirals may be Tried upon this Statute,
 “ and begin first, if you please, with my
 “ Cousin *Pericles*, for I shou’d be asham’d
 “ to value him above my Country. Or if
 “ you had rather, let them be Tried upon
 “ the Statute against Sacrilegious Persons
 “ and Traitors, which says ; That if any
 “ Person shall commit Treason against the
 “ Government, or shall steal any holy Things,
 “ *and upon a legal Trial be convict of the*
 “ *same* ; That he shall have no Burial in
 “ *Attica*, and his Estate shall be confiscated.
 “ Let them be Prosecuted upon which you
 “ please of these Two, and divide the
 “ Day into three Parts ; the first for you to
 “ meet, and them to be Impleaded in ; the
 “ next for them to make their Defence in ;
 “ and the last to Vote, whether they be
 “ guilty or not guilty. Thus, my Lords,
 “ the Delinquents shall be severely punish’d ;
 “ *the Innocent acquitted, and not destroy’d*
 “ *without any Form of Justice.* So shall
 D “ you

“ you proceed according to Law, and your
 “ Oath. And do not conspire with the
 “ *Lacedemonians*, by condemning without
 “ a Hearing, and contrary to Justice, those
 “ Men who came off victoriously, and took
 “ seventy Sail of their Ships. What are you
 “ afraid of, that you make so much Haste?
 “ Is it lest you shou’d not have Power to ac-
 “ quit or condemn, without you had pro-
 “ ceeded in an extraordinary Way? Like
 “ *Callixenus*, who mov’d that all the Ad-
 “ mirals might be Tried by one Suffrage.
 “ But if you condemn any innocent Person to
 “ Death, whereof you may afterwards re-
 “ pent; consider what a lamentable Thing,
 “ and of what ill Consequence it will be to
 “ take away the Lives of Men without Forms
 “ of Justice. ’Tis very hard, when you al-
 “ low’d *Aristarchus* (who first endeavour’d
 “ to subvert the Government, and after that
 “ betray’d *Oenoe* to the *Thebans* your Ene-
 “ mies) what Day he desir’d to make his
 “ Defence in, and all things else according
 “ to Law; to deny the Admirals the same,
 “ who vanquish’d your Enemies, and fully
 “ answer’d your Expectations. Far be it
 “ from you, My Lords, to violate those
 “ Laws, the Observation of which has
 “ made you so great.

“ PROCEED ye now to those things,
 “ that seem most to affect the Admirals.
 “ After

“ After they had beaten the Enemy at Sea,
 “ and made to Land, *Diomedon* advis’d
 “ that the Fleet shou’d draw up in a Line,
 “ to go and take up the Wrecks and Men.
 “ *Erafinides* his Advice was, that the whole
 “ Fleet shou’d go directly to attack the
 “ Enemy at *Mitylene*. *Thrasylbulus* said, both
 “ might be done, if they left some Ships
 “ there, and pursu’d with the rest. ’Twas
 “ resolv’d that the eight Admirals shou’d
 “ each of them send three Ships out of their
 “ respective Divisions, ten Captains of the
 “ heavy-arm’d-Men, ten *Samians*, and three
 “ Admirals. These made up forty-seven
 “ Sail, and were four to every Ship that was
 “ lost, there being twelve in all, amongst
 “ which were *Theramenes* and *Thrasylbulus*,
 “ who fitted out Gallies at their own Charge,
 “ that Impeach’d the Admirals. With the
 “ rest of the Fleet they went in Pursuit of
 “ the Enemy. Which of these Things have
 “ they not well and fully discharg’d? ’Tis
 “ reasonable then, that those only shou’d be
 “ accountable for the Miscarriages in the
 “ Fight, who were to Engage, and they
 “ only question’d for not taking the Men up,
 “ that had Orders so to do, but observ’d
 “ them not. So much I can say for both,
 “ that the Storm hinder’d them from execu-
 “ ting the Admiral’s Commands.

“ THIS can be prov’d by those that were
 “ fav’d by Accident, amongst whom is one
 “ of our Admirals, that escap’d out of a
 “ Ship which sunk ; and though he wanted
 “ help himself, yet he is now condemn’d by
 “ the same Suffrage with those that obey’d
 “ not his Orders. But far be it from you,
 “ my Lords, to deal with them for their
 “ Victory and good Fortune, as if they had
 “ been vanquish’d and unsuccessful. Don’t
 “ mistake that fatal Necessity, and call it
 “ Treason in them, which was want of
 “ Power ; for the Storm disabled them from
 “ performing what they were Commanded.
 “ T will be greater Justice to Honour them
 “ with Garlands, than to follow the Ad-
 “ vice of ill Men, and put them to Death. ”

WHEN *Euriptolemus* had made an End
 of his Speech, he brought in a Bill, that each
 of the Prisoners shou’d be Tried severally,
 according to the Statute of *Canonus* ; but
 the Resolve of the Senate was, that they
 shou’d be all Tried by one Suffrage ; and
 when it was put to the Vote, the Resolve of
 the Senate was Ratified. Upon this eight of
 the Admirals that Engag’d were condemn’d,
 whereof six that were at Home suffer’d.

NOT long after, the *Athenians* Repented
 of what they had done, and Decreed ; that
 those

those who had abus'd the People shou'd be Proceeded against, and give Bail to stand their Trial. And *Callixenus*, who had appear'd the most violent against the Admirals, being generally hated, was starv'd to Death.

ROMAN HISTORY.

CICERO having, in his Consulship, by his vigilance and indefatigable Industry, discover'd the bottom of *Catiline's* Conspiracy, and been inform'd that *Rome* was to be set on Fire in several Places that very Night, he assembled the Senate, acquainted them with his Discovery, and that he had secur'd and put in Prison a great Number of *Catiline's* Accomplices. The Senate being sensible of the Danger, and that Delay in such a Case might be attended with fatal Consequences, immediately pass'd a Decree for putting to Death the Conspirators; which *Cicero* having executed without any loss of Time, he had the Thanks of all Sorts and Ranks of People for his Diligence; and his Intrepidity on this Occasion gain'd him immortal Renown.

SOME Years after, *Clodius*, who was suspected of being concern'd in *Catiline's* Conspiracy, got himself Elected one of the
Tribunes

Tribunes of the People ; and bearing mortal Hatred to *Cicero*, and breathing nothing but Revenge, he brought an Accusation against him, for having put to Death several *Roman* Citizens without a *Plebiscitum*, or Assent of the People. And altho' the Friends of *Cicero* pleaded in his behalf the Decree of the Senate, and the Necessity of Dispatch in a Case so urgent, where the Safety of the Republick, and the Preservation of *Rome* were concern'd, *Clodius*, being underhand supported by the *Triumvirs*, carried his Point, and got *Cicero* banish'd four-hundred Miles from *Italy*, and his Estate confiscated. And having incens'd the Populace against him, they pull'd down his House on *Mount Palatin*, and raz'd it to the Ground.

BUT before two Years were elaps'd, the *Romans* repenting of what they had done against a Man who had sav'd the Commonwealth, and prevented the burning of *Rome*, the Law for *Cicero's* Punishment was Repeal'd by the unanimous Consent of the Senate and People, all his Estates were restor'd, and two Millions seven hundred and fifty Thousand *Sesterces* allow'd him out of the Publick Treasury, for repairing his Houses in the Country, which had been plunder'd in his Absence ; and for Rebuilding his fine House in the City, in the same Place where it stood before. And when he came back to
Italy,

Italy, all the Towns on the Road through which he pass'd, paid him the greatest Honours, and gave all possible Demonstrations of Joy at seeing him again. And at his Approach to *Rome*, all Orders of Men; the Senate, the Knights, and the People, went out to meet him, and conducted him with continued Acclamations, to the *Capitol*, to give Thanks to the Gods for his happy Return.

HISTORY of NAPLES.

DON *John of Austria* being declar'd Prime Minister of the Monarchy, consulted the good of the Kingdom of *Naples*, and mov'd by secret Informations, depriv'd two Counsellors, two Presidents, and four Judges of the Court of the *Vicariate* of their Dignities and Offices, besides some Clerks of the Secretary's Office. These degraded Ministers *having complain'd of being condemn'd without a Hearing*; the Deputies of the City begg'd of the King, that according to the Custom introduc'd by King *Philip II.* he wou'd be pleas'd to send a Visitor to proceed against the Guilty in a judicial Manner, that no room might be left for Passion, or false Accusation, to which secret Processes were liable. The King complied with the Request, and sent Visitors to all his Dominions in *Italy*, ordering the Regent *Valero*
to

to go Visitor to *Sicily*; the President Don *Francesco Melos*, Duke of *Pareta*, to *Milan*; and the Regent *Danese Casati* to go from *Milan* to be Visitor in *Naples*. About the End of *April* 1679, he arrived, and having intimated his Commission, and received many Complaints, with a great deal of Circumspection he proceeded in examining the Causes, and nothing of any Moment was found amiss in the City, excepting, that some small Sums, wrongfully order'd to be paid by some Judges to Persons who had not a just Claim, were return'd. All other Things went on smoothly; so that after the Visitor *Casati* had staid two Years in *Naples*, in the Month of *April* 1681, he set out for *Spain*, in order to give the King an Account of his Proceedings. By the Event it was believ'd, that in the Report which he made of his Transactions, little or nothing was contain'd against the eight degraded Ministers; for in Process of Time, five of them were restor'd, some to the same, others to Offices of greater Authority; and the other three wou'd easily have obtain'd the same Favour, if one of them had not contented himself with leading a private Life, and the other two were dead.

HISTORY of FRANCE.

JAQUES COEUR of *Bourges* was the greatest Merchant of his Time. He had settled Factories in all the Trading Places in the *Levant*; and by his Industry and Fair-dealing acquir'd immense Riches. He was a Man of that Capacity, and so well skill'd in the Affairs of foreign Courts, that *Charles VII*; who had made him *Argentier*, or High-Treasurer of *France*; employ'd him in several important Embassies, and the nicest Negotiations of his Reign; all which he discharg'd with Applause, and to the intire Satisfaction of his Master. This rais'd him the Envy of some great Lords of the Court, and among others, of *Anthony de Chabannes* Earl of *Dammartin*; who thirsting after his great Estate, and being intent upon his Ruin; and the Dauphin about that Time having absented from Court, which gave Umbrage to his Father; the Earl of *Dammartin* took that Opportunity to insinuate to the King, that the Treasurer favour'd the Designs of the Dauphin, and supply'd him with too much Money. These Insinuations made such Impression upon the King, that he gave way to a Prosecution against this faithful Servant. And other imaginary Crimes being alledg'd against him,

E him,

him, he was banish'd; and his Estate confiscated, and given to the Earl of *Dammartin*.

SOME time after, the Parliament took Cognizance of this Affair; and it appearing that the Prosecution against *Jaques Cœur* was malicious, and the Crimes laid to his Charge invented to blast his Reputation, and deprive him of his Estate; the Parliament pass'd a Decree, by which it was order'd; *That all Jaques Cœur's Estate shou'd be restor'd, and all Wrongs and Damages done him shou'd be repair'd.* And in consequence of this Sentence, all the Castles, Lands, and other Estates, which had belong'd to *Jaques Cœur*, were taken from the Earl of *Dammartin*, and restor'd to *Geofry Cœur*, *Jaques's* Son.

THIS *Jaques Cœur* was so generous in his Dealings, and so kind to those employ'd under him. That when his Factors heard he was banish'd, and his Estate taken from him, sixty of them agreed to give him a thousand Crowns apiece; which in those Days was a greater Sum, than sixty thousand Pound Sterling now. And with this Money, he retir'd into the Island of *Cyprus*, where he married, and ended his Days, belov'd, esteem'd, and honour'd by every body.

HISTORY of FRANCE.

JOHAN CHASTEL, a young Man of about nineteen Years of Age, having found means to get into the Room of King *Henry* IV. struck him with a Knife in the upper Lip, in the midst of his Courtiers, and broke one of his Teeth. He was seiz'd upon the Spot, and immediately put to the Torture, to make him confess his Accomplices. There he declar'd, that he had communicated his Design to none but his own Father, who had done all he could to dissuade him from the Attempt. But having said, that he had studied under the Jesuits, a Rumour was spread in an Instant all over *Paris*, that they had prompted him to this horrid Fact: Nay, that he was a Jesuit in Disguise. The Parliament upon this, met; and the Horror of the Crime made such an Impression upon them, that, without any Form or Law, or hearing any Witnesses, they pass'd a Decree upon all the Jesuits in *France*, banishing them out of the Kingdom, confiscating their Estates, and making it Treason for any one to Study, or for Parents to send their Sons into foreign Parts to be Educated under them. And this hard Sentence was strictly put in Execution. But nine Years after, al-

though the Jesuits were generally hated by the People ; this Sentence was Revers'd ; they were restored to their Privileges and Estates ; and the Reason alledg'd in Parliament for Repealing the Decree, was ; *That they had not been heard in their Defence, and no Crime was prov'd upon them.*

HISTORY of ENGLAND.

THE Impeachment of the Earl of *March*, which was brought before the Parliament, contain'd divers Articles, of which the chief were these. “ That he had
 “ seiz'd the Government of the Kingdom
 “ without Authority, and contrary to the
 “ express Regulation of the Parliament :
 “ That he had placed about the King's
 “ Person, People that were Spies upon
 “ all his Actions, that he might not be able
 “ to free himself from the Subjection he was
 “ kept in ; that he had procured the Death of
 “ *Edward* II. by his express Orders ; that
 “ he had contrived a treacherous Plot to
 “ take away the Life of the late Earl of
 “ *Kent*, the King's Uncle ; that he had ap-
 “ propriated to his own Use, the thirty
 “ thousand Marks paid by the King of *Scot-*
 “ *land* : Lastly, That he had lived in a too
 “ familiar Manner with the Queen Mother.”

For

For all these Crimes, which they affirmed were notorious to the World, and for the Proof whereof they did not vouchsafe so much as to hear Evidences, he was condemned to die. His Sentence, which ran, that he should be hanged for a Traitor on the common Gallows at *Tyburn*, was executed without shewing him the least Favour. There was this remarkable in his Sentence, *that he was condemned without being suffered to speak in his Defence*; just as he himself had served the *Spencers*. But this proved an Advantage to his Family. *Roger*, his Grandson, obtained afterwards an Act, *which Reversed his Sentence, as given contrary to the Laws and Customs of the Realm.*

HISTORY of ENGLAND, 30th. HENRY VIII.

THE Parliament having confirmed the Sentence of Death passed upon the Marquess of *Exeter*, and the rest, who had been Executed for holding Correspondence with Cardinal *Pole*; they Attainted the Countess of *Salisbury*, the Cardinal's Mother, and the Marchioness of *Exeter*, without bringing them to a Trial. This last Act met with great Opposition in the Parliament, many objecting; *That the condemning of*
Persons

Persons without hearing their Defence, was a Breach of the most sacred and unalterable Rules of Justice. But *Cromwell* having sent for the Judges to his House, ask'd them, Whether the Parliament had Power to condemn Persons accused without a Hearing? The Judges replied; That it was a nice and dangerous Question; *That Equity, Justice, and all Sorts of Laws requir'd, that the Accused should be heard.* That however, the Parliament being the Supreme Court of the Realm, from which there could be no Appeal, no Man has a Right to dispute the Validity of their Sentences, of what Nature soever they might be. This was saying, in a round-about-way, That the Parliament in so doing would commit an Injustice, for which Nobody could call them to Account. *Cromwell* having reported to the Parliament the Opinion of the Judges, the two Ladies of the Blood Royal were Condemn'd to Die, by a Sentence, which established a Precedent the most pernicious that had ever been seen in *England*; and which prov'd fatal to its Author, as we shall see hereafter. Mean while the King granted a Reprieve to the Countess of *Salisbury*, and a full Pardon to the Marchioness of *Exeter*.

HISTORY of ENGLAND.

Queen ANNE.

IN the Year 1702, the Commons having Resolv'd upon an Address to the Queen to remove *William* Lord Bishop of *Worcester* from being Almoner to her Majesty: The Lords Address'd her Majesty, by shewing;
 " That it was the undoubted Right of every
 " Lord of Parliament, *and of every other*
 " *Subject* of England, to have an Opportunity of making his Defence, before
 " he suffer'd any Sort of Punishment; and
 " therefore desir'd she would not remove
 " the Bishop of *Worcester* from the Place of
 " Almoner, nor shew any other Mark of her
 " Displeasure towards him, till he was found
 " guilty of some Crime by due Course of
 " Law." To which her Majesty answer'd;
 She agreed, every Peer and Lord of Parliament, *and indeed every other Person*, ought to have an Opportunity of being heard to any Matter objected him, before he was punished.

F I N I S.

MAILED 10 10 1944

A circular postmark from London, dated 1841. The text "LONDON" is at the top, "1841" is at the bottom, and "JAN 10" is in the center. The postmark is slightly faded and overlaps with the text of the letter.

